

1 HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RUIZ FAJARDO INGENIEROS
11 ASOCIADOS S.A.S., a foreign corporation,

12 Plaintiff,

13 vs.

14 FLOW INTERNATIONAL
15 CORPORATION, a Delaware corporation,

16 Defendant.

17 NO. 2:16-CV-01902-RAJ

18 SPECIAL VERDICT FORM

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2 We, the jury, return the following verdict:

3 Question 1: Did the plaintiff prove that the defendant breached the express contractual warranty?

4 Yes X No _____
5

6 If “YES,” go to Question 2.

7 If "NO," stop here.

8 Question 2: Did the plaintiff prove that the plaintiff notified the defendant of the breach within a
9 reasonable time?

0 Yes X No _____

If "YES," go to Question 4.

If “NO,” go to Question 3.

Question 3: Did the plaintiff prove that the defendant waived its right to notice of the breach?

Yes No

If "YES," go to Question 4.

If "NO," stop here.

Question 4: Did the plaintiff prove that the contractual limited repair or replace remedy failed of its essential purpose?

Yes No

If “YES,” go to Question 5.

If "NO," stop here.

Question 5: What is the amount of plaintiff's damages?

\$ 437,830.00

1 Question 6: Did the defendant prove that the plaintiff failed to mitigate its damages?

2 Yes No X

3 If "YES," go to Question 7.

4 If "NO," stop here.

5 Question 7: By what amount did the plaintiff fail to mitigate its damages?

6 _____

7 Please have the Jury Foreperson sign the form and return to the Court Clerk.

8

9 Date: 2/7, 2019

10 Signed _____

11 Jury Foreperson